

SOIL AND SEDIMENT CRITERIA AND USE



UPDATING THE “350” RULE

Solid Waste Handling Standards, Chapter 173-350 of the Washington Administrative Code, is a regulation addressing waste management issues as diverse as used tires, surface impoundments, and incineration.

These rules govern how individuals, businesses and governments can manage solid waste, what materials can be recycled, when permits are required, and many other technical details.

Updating the rule allows Ecology to address emerging issues, look for ways to improve its effectiveness and get feedback from stakeholders.



Sections 235 and 995 — Soil and sediment criteria and use

The draft sections 235 and 995, setting criteria for management of excavated soil or sediment that has been exposed to chemicals, would be new additions to Washington’s Solid Waste Handling Standards. Currently, there are no rules for management of soil and sediment containing contaminants, except for designated cleanup sites or dangerous wastes.

Without such standards, sites that receive soils or sediments could be vulnerable to accepting materials that are harmful to human health or the environment. And, if there were a problem with the soil or sediment, regulatory agencies would have limited authority to address questions, problems, concerns or complaints.

The new draft sections address “impacted” soils and sediments. These are soils or sediments that have been subject to the release of contaminants at more than de minimis amounts. The new sections would not apply to soil or sediment associated with a formal cleanup site or material that is dangerous waste.

Materials covered under the new sections include:

- street waste
- petroleum-contaminated soil
- engineered soil
- soil with contaminants from industrial or historical activities, or from specific releases
- sediment from impacted waterways to be managed in upland locations.

Materials *not* regulated under the new sections include:

- Soil and sediment with no indications of a release, or where contaminants are present at naturally occurring levels.
- Impacted soil and sediment taken to landfills or treatment facilities permitted to accept such materials.
- Engineered soil that is reused on another project for the same engineering properties will not be subject to the section.

Contacts

You can find documents, schedules and other information on our website: www.ecy.wa.gov/programs/swfa/rules/wac173350/1308ov.html

To be kept up to date on developments in the 350 rulemaking, please subscribe to our ListServ at the link above.

For questions on sections 235 or 995, “Soil and Sediment Criteria and Use,” contact Marni Solheim, environmental specialist with Waste 2

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Special accommodations

To request ADA accommodation for disabilities, or printed materials in a format for the visually impaired, call Ecology at 360-407-6900 or visit <http://www.ecy.wa.gov/accessibility.html>. Persons with impaired hearing may call Washington Relay Service at 711. Persons with speech disability may call TTY at 877-833-6341.

Meeting conditions

A permit will not be required for use of impacted soil and sediment if conditions in the rule are met. Depending on use, conditions may include:

- performance of due diligence to determine if a release occurred
- testing of materials
- using materials only as allowed, which is based on risks at the receiving site, and meeting limitations for such uses
- retaining records
- impacted soil temporarily removed and used back on the same project site is subject to very minimal conditions, as is use at sites with similar types and levels of contaminants.

Contaminant limits

For impacted soil and sediment subject to the full requirements of the sections, the rule includes use options and has five sets of contaminant limits, or Soil and Sediment Screening Levels (SSLs):

- Clean SSLs – Soil and sediment meeting clean levels will not be regulated under the rule. The clean standards are based on the most protective contaminant levels.
- Residential/Agricultural/High Frequency Contact SSLs—Materials at these levels may be placed in locations with a high degree of human contact, and are based on prevention of human health impacts.
- Limited Access SSLs—Materials at these levels may be placed in locations with limited human contact, such as commercial or industrial settings, and are based primarily on prevention of human health impacts, but to a lesser degree than those for residential settings.
- Ecologically-Sensitive SSLs—Materials at these levels may be placed in areas that support natural habitat for native terrestrial organisms, and are based on prevention of impacts to wildlife, plants, and soil biota.
- Groundwater-Sensitive SSLs—Materials at these levels may be placed in areas overlying potable sources of groundwater, and are based on groundwater quality and drinking water standards. Only volumes over 2,000 cubic yards must meet these SSLs.

Definitions and standards

The draft rule contains many new definitions of terms needed to understand the new sections, such as de minimis, due diligence, engineered soil, impacted soil/sediment, limited access properties, etc.

Soil and sediment screening levels are based on consideration of several existing standards, including state cleanup levels protective of humans, ecological impacts, and groundwater, EPA standards for human and ecological impacts, and background limits.

Site-specific screening levels are not considered under the new sections as this would warrant greater oversight than a permit-exempt activity. However, other sections of the rule, such as for limited purpose landfills, remain options for management of impacted soil and sediment that may exceed limits or uses allowed in the proposed new section.